

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 12-20423

MARIO HAIRSTON,

HON. AVERN COHN

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS INDICTMENT
DUE TO OUTRAGEOUS GOVERNMENTAL CONDUCT (Doc. 18)**

I.

This is a criminal case. Defendant Mario Hairston is charged in a two-count indictment with one count of interference with commerce by robbery in violation of 18 U.S.C. § 1951(a), and one count of discharging a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c). Now before the Court is Hairston's motion to dismiss the indictment due to outrageous governmental conduct (Doc. 18). The Court held a hearing on the motion on April 16, 2013. For the reasons that follow, the motion is DENIED.

II.

At the April 16 hearing, the Court received a copy of the grand jury transcript. The Court has reviewed the transcript and the briefs and finds no evidence of outrageous governmental conduct to dismiss the indictment. A review of the grand jury transcript reveals that there is competent evidence to sustain the charge issued. As the Sixth Circuit has explained, "An indictment returned by a legally constituted and unbiased grand jury, like an information drawn by the prosecutor, if valid on its face, is enough to call for trial of

the charge on the merits. The Fifth Amendment requires nothing more.” *United States v. Short*, 671 F.2d 178, 181 (6th Cir. 1982) (quoting *Costello v. United States*, 350 U.S. 359, 363 (1956)).

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2013

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 18, 2013, by electronic and/or ordinary mail.

S/Sakne Chami
Case Manager, (313) 234-5160